## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

SECURITIES AND EXCHANGE COMMISSION.

Plaintiff,

v. : Civil Action No.: 3-08-CV-2050-D (SAF)

MARK CUBAN,

Defendant.

PLAINTIFF SECURITIES AND EXCHANGE COMMMISSION'S NOTICE OF APPEAL

Notice is hereby given that the Securities and Exchange Commission, plaintiff in the above-named case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the final judgment entered on August 13, 2009, as amended and then entered on August 14, 2009.

Dated: October 7, 2009 Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2009, I electronically filed the foregoing document with the Clerk of the Court for the Northern District of Texas, Dallas Division, by using the CM/ECF system which will send notification of such filing to all CM/ECF participants and counsel of record.

s/ Kevin P. O'Rourke
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